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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,435	02/22/2002	Sean A. Cerniglia	100201376-1	6305

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EXAMINER	
LEE, JINHEE J	

ART UNIT	PAPER NUMBER
2831	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/082,435	CERNIGLIA ET AL.	
	Examiner	Art Unit	
	Jinhee J. Lee	2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 16-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 16-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6-8, 16-18 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamlet et al. (US006285548B1).

Re claim 1, Hamlet et al. discloses a filler panel with integrated recessed region for a captive screw comprising: a filler panel body (face plate 20); and a recessed portion (unnumbered near the free ends 158, see figure 3A) integral with said filler panel body, said recessed portion fixedly coupled with said filler panel body (see figure 3A), said recessed portion having said captive screw therein for removably coupling said filler panel body with respect to a chassis (see figure 3A).

Re claim 2, Hamlet et al. discloses a filler panel as claimed except that the recessed portion is extruded from said filler panel body. Note that the method of forming a device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Re claim 3, Hamlet et al. discloses a filler panel further comprising: an electromagnetic interference (EMI) shield portion (metallic seal 114 for example)

coupled with said filler panel body, said EMI shield portion adapted to prevent EMI leakage from said chassis (see figure 4A). Note that it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Re claim 6, Hamlet et al. discloses a filler panel wherein said filler panel body further comprises: a handle element (handle portion 132) fixedly coupled with said filler panel body, said handle element being disposed above said filler panel body in a manner which provides a grasping surface for removably coupling said filler panel body with respect to said chassis (see figure 6).

Re claim 7, Hamlet et al. discloses a filler panel wherein said handle element (132) does not destructively interfere with said captive screw (captive fastener 194).

Re claim 8, Hamlet et al. discloses a filler panel wherein said filler panel body further comprises a locating element (alignment pin 196) coupled with said filler panel body, said locating element adapted to orient said filler panel body with respect to said chassis such that interference generating movement of said filler panel body is reduced (see figure 3B and column 7 lines 8-9 according to the numbering in the middle). Note that it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Re claim 16, Hamlet et al. discloses a filler panel with integrated recessed region for a captive screw comprising: a filler panel body (face plate 20); a recessed portion

(unnumbered near the free ends 158, see figure 3A) integral with said filler panel body, said recessed portion fixedly coupled with said filler panel body (see figure 3A), said recessed portion having said captive screw therein for removably coupling said filler panel body with respect to a chassis (see figure 3A); a handle element (handle portion 132) fixedly coupled with said filler panel body, said handle element being disposed above said filler panel body in a manner which provides a grasping surface for removably coupling said filler panel body with respect to said chassis (see figure 6); and a locating element (alignment pin 196) coupled with said filler panel body, said locating element adapted to orient said filler panel body with respect to said chassis such that interference generating movement of said filler panel body is reduced (see figure 3B and column 7 lines 8-9 according to the numbering in the middle).

Re claim 17, Hamlet et al. discloses a filler panel as claimed except that the recessed portion is extruded from said filler panel body. Note that the method of forming a device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Re claim 18, Hamlet et al. discloses a filler panel further comprising: an electromagnetic interference (EMI) shield portion (metallic seal 114 for example) coupled with said filler panel body, said EMI shield portion adapted to prevent EMI leakage from said chassis (see figure 4A). Note that it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Re claim 21, Hamlet et al. discloses a filler panel wherein said handle element (132) does not destructively interfere with said captive screw (captive fastener 194).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4, 5, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlet et al. in view of Summers et al. (US006098133A).

Re claim 4, Hamlet et al. substantially discloses a filler panel as set forth in claim 1 with said captive screw for removably coupling said filler panel body with said chassis. Hamlet et al. does not explicitly disclose that the coupling is in accordance with a compact peripheral component interconnect (CPCI) standard. However, Summers et al. teaches of forming systems to meet compact peripheral component interconnect

(CPCI) standard. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the filler panel system be coupled to meet the compact peripheral component interconnect (CPCI) standard as taught by Summers et al. on the filler panel of Hamlet et al. in order to provide off the shelf systems (see column 6 lines 46-48).

Re claim 5, Hamlet et al. substantially discloses a filler panel as set forth in claim 1 with said captive screw for removably coupling said filler panel body with said chassis. Hamlet et al. does not explicitly disclose that the coupling is in accordance with a VersaModular Eurocard (VME) standard. However, Summers et al. teaches of forming systems to meet VersaModular Eurocard (VME) standard. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the filler panel system be coupled to meet the VersaModular Eurocard (VME) standard as taught by Summers et al. on the filler panel of Hamlet et al. in order to provide off the shelf systems (see column 6 lines 46-48).

Re claim 19, Hamlet et al. substantially discloses a filler panel as set forth in claim 16 with said captive screw for removably coupling said filler panel body with said chassis. Hamlet et al. does not explicitly disclose that the coupling is in accordance with a compact peripheral component interconnect (CPCI) standard. However, Summers et al. teaches of forming systems to meet compact peripheral component interconnect (CPCI) standard. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the filler panel system be coupled to meet the compact peripheral component interconnect (CPCI) standard as taught by

Summers et al. on the filler panel of Hamlet et al. in order to provide off the shelf systems (see column 6 lines 46-48).

Re claim 20, Hamlet et al. substantially discloses a filler panel as set forth in claim 16 with said captive screw for removably coupling said filler panel body with said chassis. Hamlet et al. does not explicitly disclose that the coupling is in accordance with a VersaModular Eurocard (VME) standard. However, Summers et al. teaches of forming systems to meet VersaModular Eurocard (VME) standard. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the filler panel system be coupled to meet the VersaModular Eurocard (VME) standard as taught by Summers et al. on the filler panel of Hamlet et al. in order to provide off the shelf systems (see column 6 lines 46-48).

Response to Arguments

6. Applicant's arguments filed 3/24/05 have been fully considered but they are not persuasive.

In response to applicant's arguments that the prior art does not teach captive screw. Examiner disagrees. Hamlet et al. teaches that "captive fastener 194 is sometimes referred to as a floating screw " (see column 7, lines 6-7 and figure 4A).

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M, T, Th and F at 6:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jjl

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